Crl. Rev. No. 890/01
(Old No. 1168 of 1995)
Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri L.M.Verma learned A.G.A. and perused the impugned judgment and order dated 12.6.1995.

The revision was not admitted before the Allahabad High Court. Having gone through the judgment with the help of learned A.G.A. and noticed that the learned Judicial Magistrate, Tehri Garhwal h as found the evidence of the prosecution unreliable on account of the fact that the so-called eye-witnesses B.D.Sharma (PW-2) and Satish Chand Tyagi (PW-4) have not supported the prosecution case regarding assault by the respondent-accused. There was, thus, no independent corroboration to the statement of the complainant and thus the learned Magistrate made no error in respect of coming to the conclusion that the allegation against the respondent-accused were not established beyond doubt. The judgment of acquittal is, therefore, based on fair appreciation of the evidence of the parties and there being no merit in this revision, the same cannot be admitted. The revision is dismissed in limine.

(Irshad Hussain, J.)

Dated 02.04.2004

Rawat